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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,258

Applicant(s)

ALEXANDER, RICHARD

Examiner

King Y. Poon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9-12, 14, 15, 17-20, 22-27, 30-32, 35-37, 40, 41 is/are rejected.
- 7) ☒ Claim(s) 3, 8, 13, 16, 21, 28, 29, 33, 34, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9: It is unclear who (the user's computer, the user, the printer) is "utilizing one or more fewer print tokens than are specified in the bid for a particular print job in an event that the priority of the particular print job is not affected".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 14, 15, 17, 18, 40, 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Keane et al (US 6,650,433).

Regarding claim 1: Keane teaches a method comprising receiving multiple print jobs (column 16, lines 14-16) for printing in a first order (column 16, lines 55-65, since Keane's invention is used to received print job from users at any different time; print jobs come in different time (order) is inherent), the print jobs having associated bids (e.g., \$ 7.99, \$23.99 etc, fig. 4T); and prioritizing (priority queue, fig. 4T) the print jobs according to their associated bids so that the print jobs are printed in a second order different than the first order (print job received on 3/34/2005 will be processed immediately with \$23.99 while print job received on 3/20/2005 for \$7.99 will be printed later; column 18, lines 15-27).

Regarding claim 2: Keane teaches wherein the prioritizing comprises granting higher priority to the print jobs with higher associated bids (fig. 4T, column 18, lines 15-27).

Regarding claim 4: Keane teaches in an event that a set of multiple print jobs have identical bids, prioritizing the set of multiple print jobs according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claim 14: Keane teaches in a network environment in which user computing devices (fig. 7) submit job requests to another device for processing, a method comprising: enabling users to submit bids with their job requests (fig. 4T); and prioritizing the job requests according to their associated bids (column 18, lines 15-27).

Regarding claim 15: Keane teaches wherein the enabling comprises presenting a user interface that facilitates user entry of the bids (fig 4T).

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Regarding claim 17: Keane teaches wherein the prioritizing comprises granting higher priority to the job requests with higher associated bids (column 18, lines 15-28).

Regarding claim 18: Keane teaches in an event that a set of multiple job requests with identical bids exists, prioritizing the set of multiple job requests according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claim 40: Keane teaches a printing menu graphical user interface (fig. 4T) comprising: a bid entry field (the circle next to \$799, \$23.99) that enables a user to bid a number of tokens for a print job, wherein the print jobs are given priority at a printer based on the bids (column 18, lines 15-30, column 21, lines 9-15); and a token balance field (\$ 7.99, \$ 23.99) that presents a number of tokens available to be bid.

Regarding claim 41: Keane teaches a limit entry field (circle of \$ 23.99) that facilitates user entry of a maximum number of tokens to which the bid may be increased for the print job.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5-7, 10-12, 19, 20, 22-27, 30-32, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keane et al (US 6,650,433) in view of Mori et al (US 5,982,994).

Regarding claim 5: Keane teaches in a network printing system (fig. 1) in which multiple user computers (customer's computer, 12, fig. 1, fig. 7) are networked to a common printer (column 3, line 60), a method comprising: allocating print tokens (value of 7.99 or 23.99, fig. 4T, column 14, lines 15-30) to the user computers, presenting a user interface (fig. 4T) at a user computer to facilitate entry of a bid (e.g., \$ 7.99; \$ 23.99, fig. 4T) for a print job, the bid specifying a number of print tokens; sending the print job together with the bid (column 14, lines 35-40) to the management (fig. 1) of the printer (column 21, lines 9-15); prioritizing the print jobs at the printer according to their associated bids (column 18, lines 15-27); and processing the print jobs (print, column 18, lines 25-28).

Although it is well known in the art that computer program, that is used to perform a function, can be programmed in a single device or can be programmed into different devices (the same function can be carried out by one device or combination of devices); Keane does not teach to program the management of the printer into the printer itself.

Mori, in the same area of using a printer to print multiple print jobs from different customers, teaches to program the management function into a printer, (fig. 2) such that the printer can directly received print job orders and prioritized the printing orders.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the print system of Keane by:

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programming the management of the printer into the printer itself to reduce cost by eliminating additional devices.

Regarding claim 6: Keane teaches wherein the allocating comprises: generating the print tokens at a server (column 14, lines 30-32, column 13, lines 10-27); and serving the print tokens to the user computers.

Regarding claim 7: Keane teaches wherein the print tokens have a predefined expiration (expire at the time the cost changes, column 7, lines 1-15).

Regarding claim 10: Keane teaches wherein the prioritizing comprises granting higher priority to the print jobs with higher associated bids (column 14, lines 25-40).

Regarding claim 11: Keane teaches in an event that a set of multiple print jobs have identical bids, prioritizing the set of multiple print jobs according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claim 12: Keane teaches reporting to the user computer all actual number of print tokens expended to process the print job (fig. 4T).

Regarding claim 19: Keane teaches a network printing system (fig. 7, fig. 1) comprising: a least one printer (column 21, lines 9-15, column 3, line 60); multiple user computing devices (fig. 7) configured to submit print jobs to the printer over a network; the multiple user computing devices being further configured to enable associated users to submit bids (e.g., \$ 7.99; \$ 23.99, fig. 4T) with their print jobs (column 14, lines 35-40); and a management (10, fig. 1) for the printer being configured to prioritize the print jobs according to their associated bids (column 18, lines 15-27).

Although it is well known in the art that computer program, that is used to perform a function, can be programmed in a single device or can be programmed into different devices (the same function can be carried out by one device or combination of devices); Keane does not teach to program the management of the printer into the printer itself.

Mori, in the same area of using a printer to print multiple print jobs from different customers, teaches to program the management function into a printer, (fig. 2) such that the printer can directly received print job orders and prioritized the printing orders.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the print system of Keane by: programming the management of the printer into the printer itself to reduce cost by eliminating additional devices.

Regarding claim 20: Keane teaches wherein individual user computing devices comprise a user interface (fig. 4T) that facilitates user entry of a bid.

Regarding claim 22: Keane teaches wherein, in an event that multiple mint jobs have identical bids, the printer is further configured to prioritize the multiple print jobs according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claim 23: Keane teaches wherein the bids are measured in tokens (7.99, 23.99, fig. 4T), and the printer is further configured to allocate tokens (the token/the indication of the cost of the print job that a user is willing to pay is being supplied to the user, fig. 4T) for the user computing devices to use in the bids (as being

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discussed above, it is well known in the art to have one computing device performs different task).

Regarding claim 24: Keane teaches wherein the bids are measured in tokens (7.99, 23.99, fig. 4T), further comprising a token server (column 14, lines 30-32, column 13, lines 10-27) configured to allocate tokens to the user computing devices for use in the bids.

Regarding claim 25: Keane teaches wherein the bids are measured in tokens (7.99, 23.99, fig. 4T), and the printer is further configured to report the number of tokens (fig. 4V) used to process the print jobs back to the user computing devices.

Regarding claim 26: Keane teaches a management system (10, fig. 1) of a printer comprising a queue to store print jobs; and a bid-based prioritizer to prioritize the print jobs in the queue according to bids submitted in association with the print jobs (column 18, lines 15-28).

Although it is well known in the art that computer program, that is used to perform a function, can be programmed in a single device or can be programmed into different devices (the same function can be carried out by one device or combination of devices); Keane does not teach to program the management of the printer into the printer itself.

Mori, in the same area of using a printer to print multiple print jobs from different customers, teaches to program the management function into a printer, (fig. 2) such that the printer can directly received print job orders and prioritized the printing orders.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the print system of Keane by:

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programming the management of the printer into the printer itself to reduce cost by eliminating additional devices.

Regarding claim 27: Keane teaches, wherein, in an event that multiple print jobs have identical bids, the bid-based prioritizer is further configured to prioritize the multiple print jobs according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claims 30: Keane teaches to use module/software (column 18, lines 15-17 to control the system discussed in claims 26, 19 and 20. Please see discussion of claims 26, 19, and 20.

Regarding claim 31: Keane teaches wherein the print tokens (value of 7.99 or 23.99, fig. 4T, column 14, lines 15-30) are allocated to the user computer, and the printer module comprises a token wallet (inherently, the software about the token must contain/store information about the token) to store the print tokens.

Regarding claim 32: Keane teaches wherein, in an event that multiple print jobs have identical bids, the prioritizing module is configured to prioritize the multiple print jobs according to a second criterion (column 3, lines 1-12, printing also depends on delivery time including printing bids of the same price, fig. 4T).

Regarding claims 35: Keane teaches a token server (column 14, lines 15-35, column 13, lines 10-25) resident at a server computer (column 13, line 17) that allocates to tokens to the printer module at the user computer.

Regarding claims 36, 37: Keane teaches or more computer-readable media (inherently all modules must store in a computer readable media, column 15-18) to store the printer software to control the printer of claims 26, 27.

Allowable Subject Matter

7. Claims 3, 8, 13, 16, 21, 28, 29, 33, 34, 38, 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (571) 272-7440.



**KING Y. POON
PRIMARY EXAMINER**

4/9/2004